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10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12  
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN**  
14 **DIVISION**  
15

16 Lisa LIBERI, et al. Case. No. 8:11-cv-00485-AG (AJW)  
17  
18 *Plaintiff,*

19  
20 v.  
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29 Orly TAITZ, et al.  
30 *Defendants.*

**REPLY/ REQUEST TO STRIKE 06.24.2013 PLEADINGS FILED  
BY PHILIP BERG AS AN ATTORNEY FOR PLAINTIFFS AFTER  
HIS LAW LICENSE WAS SUSPENDED FOR TWO YEARS,  
VIOLATION OF CA BUSINESS AND PROFESSIONAL LAW 6125  
ET SEQ -PRACTICE OF LAW WITHOUT A LICENSE BY  
PHILIP BERG.**

## ARGUMENT

1. On 06.19.2013 Supreme court of Pennsylvania denied an appeal by Philip Berg and ruled to suspend his law license for two years.
2. During 02.28.2011 hearing Judge Guilford ordered the parties to this case to advise this court of the decision in the disciplinary proceedings against Philip Berg. Subsequently this order was repeated by this court several times.
3. Taitz simply followed the standing order of this court and provided this court with the notification and the ruling of the Supreme Court of PA, whereby Berg's law license was suspended for two years. The 16 page ruling provided a description of egregious behavior by Berg, and involvement of his paralegal Lisa Liberi, which led to Berg's two year suspension. Taitz pointed to this court that the pattern of behavior by Berg and Liberi in Berg's suspension case shows the same modus operandi as in the case at hand.

Local Rule 83-2.3.1 provides for admission of attorneys pro hac vice: *Permission to Appear Pro Hac Vice*. Any person who is not otherwise eligible for admission to practice before this Court, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court, or of the highest court of any State, Territory or Insular Possession of

1 the United States, who is of good moral character, and who  
2 has been retained to appear before this Court, may, upon  
3 written application and proof of payment of the fee as

4 required by the Court, and in the discretion of the Court, be  
5 permitted to appear and participate pro hac vice in a particular  
6 case."

7 Based on the above, since Berg's law license in PA was suspended, his Pro  
8 Hac Vice in CA is null and void.

9 Furthermore, this court never granted a substitution of attorney for any  
10 California attorney to substitute Berg, and no attorney has ever filed a motion  
11 seeking to substitute Berg.

12 Philip Berg's cousin, Attorney Roger Berg was only a sponsor for pro hac  
13 vice, which is null and void now and attorney Stephen Marcus has allegedly signed  
14 one pleading and one notice of appearance for one day, which was filed by Berg  
15 twice on 06.19.2013 and 06.20.2013 and which was backdated for the day of  
16 05.31.2013.

17 4. Considering the fact that Plaintiff Lisa Liberi was convicted of forgery in  
18 2008 and that the court ruling in recent suspension of Berg, this court should  
19 conduct an evidentiary hearing to ascertain, who signed the backdated notice of  
20 appearance and whether fraud on the court was committed. Attorney Marcus is a  
21 California attorney who has access to electronic filing and could file a notice of  
22 appearance. It is highly suspicious that the backdated notice of appearance was  
23 filed on 06.19.2013, the day Berg's license was suspended and again on  
24 06.20.2013, right after the suspension. It was not filed by attorney Marcus, it was  
25 filed by Philip Berg. It appears that Berg tried to create an impression that Marcus  
26 substituted for him when Berg's license was suspended. On the other hand Marcus  
27 substituted for him when Berg's license was suspended. On the other hand Marcus  
28

1 never filed a motion seeking substitution for Berg and can claim plausible  
2 deniability, can claim that he never substituted for Berg, that he made only a one  
3 day appearance in case there are sanctions and ultimate judgment in favor of the  
4 defense and an award for the defense on their cross claim of malicious prosecution  
5 and abuse of process by the Plaintiffs.  
6

7 As such, it is imperative for this court to correct the docket to reflect that  
8 Philip Berg's law license was suspended for two years, he no longer represents  
9 Plaintiffs in this case and no substitution of Berg by another attorney was ever  
10 sought or granted, as such all of the Plaintiffs are representing themselves pro se  
11 and are required to sign their own pleadings, appear in court and provide an  
12 address for delivery of pleadings.  
13

14 5. On 06.24.2013 Philip Berg filed an opposition, where he exhibited a brazen  
15 arrogance and depraved violation of California Business and Professional code  
16 6125 et seq and disregard of the decision by the Supreme Court of PA. Berg  
17 admitted in his 06.24.2013 pleadings that he was already suspended from practice  
18 of law based on 06.19.2013 order by the Supreme Court of Pa, however he  
19 continued submitting pleadings as an attorney for the Plaintiffs, flagrantly violating  
20 the order of the Supreme Court of PA and Ca Business and Professional code 6125  
21 engaging in practice of law without a license. With the same arrogance he  
22 demanded sanctions against Taitz defaming her and seeking sanctions against her,  
23 specifically relating to something written by Taitz on her blog.  
24

25 6. Taitz is greatly concerned that in the recent past this court issued a ruling  
26 based on a phrase Berg pulled from her web site. This court opined based on  
27 something that was taken out of context from her web site and this court issued a  
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1 minute order based on misrepresentation by Berg without giving Taitz any  
2 opportunity to respond. For example, previously this court demanded a response  
3 by Taitz to show that the sanction against her by Judge Marginis was indeed a  
4 discovery sanction and not sanction for something else. Taitz responded and prove  
5 that indeed it was a discovery sanction. This court issued an order to show cause  
6 whether Taitz should be sanctioned for lying to the court. Taitz responded and on  
7 06.17. 2013 this court found that indeed Taitz was not lying, Taitz did not engage  
8 in misrepresentation, that sanction against her was a routine discovery sanction,  
9 that the other side simply won a discovery, it was not a sanction for some unethical  
10 behavior. On the same day 06.17.2013 Taitz posted on her website this finding by  
11 the court. She demanded a retraction from multiple media outlets, because Taitz is  
12 a known dissident leader and those media outlets ran articles stating that the court  
13 is about to sanction Taitz for lying. Taitz was vindicated, she did not lie, she did  
14 not engage in misrepresentation, she stated the truth. When Taitz wrote on her blog  
15 about the opinion of the court, it related to this incident and statement on her blog  
16 related to the fact that in this whole incident Taitz never lied, that all along she  
17 was telling the truth, that the sanction was a routine discovery sanction. Taitz is  
18 respectfully requesting this court to correct its minute order issued on 06.20.2013  
19 to reflect that Taitz indeed did not engage in any misrepresentation and that  
20 notation made by her on her blog was taken out of context by Philip Berg in his  
21 request for sanctions.

22 Now Taitz is in a hurry, she has to rush to respond to new wave of defamation  
23 of her character by Berg, she has to rush to respond to 22 pages of pleadings by  
24 Berg, submitted on 06.24.2013, as she is afraid that this court yet again will issue a  
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1 minute order without giving her any opportunity to respond. Taitz is greatly  
2 troubled by the fact that this court appear to show bias against her and is attacking  
3 each and every word taken out of contest on her blog, issues harsh orders to show  
4 cause without checking the facts, or issues minute orders without giving her an  
5 opportunity to respond. At the same time this court simply ignores any and all  
6 behavior by the Plaintiffs which shows flagrant fraud and is bordering on  
7 criminality. Time and again Taitz provided this court with information that the  
8 sixth cause of action in this complaint involves fabrication of a statute, whereby  
9 Plaintiffs, Philip Berg and California attorneys Kreep, Berg and Marcus are  
10 arguing based on a complaint where a statute was fabricated by cutting and pasting  
11 parts of two statutes, where they used to draft the pleadings Lisa Liberi, who was  
12 convicted of forgery . This court chose to ignore it. If this court is continuously  
13 attacking Taitz for every word pulled out of contexts on her blog, that is not even  
14 part of the record, and simply condones and covers up all flagrantly criminal  
15 behavior by the plaintiffs, than justice can never be served in this court and the  
16 case needs to be transferred to another court.

17 Ruling by the Supreme court of Pennsylvania to suspend Berg's license shows  
18 the same modus operandi of fraud, collusion with Lisa Liberi and depraved heart  
19 attack on victims, defamation of victims and accusations of fraud made by Berg  
20 and Liberi against victims, as it is done in the case at hand. Everything written by  
21 Taitz in her notice is correct, truthful, there is no misrepresentation. It is supported  
22 by the ruling itself, attached to the notice and the following exhibits:

23 Exhibit1. Attached is the sworn affidavit by Attorney Orly Taitz,

24 Exhibit 2. True and correct copy of the sworn verification by Lisa Liberi

1 Exhibit 3 True and correct copy of the answer by Philip Berg to the  
2 Disciplinary Board of the Supreme Court of Pennsylvania

3 Exhibit 4 Pages 186, 187 are a part of the true and correct transcript of the  
4 02.10. 2012 Disciplinary trial of Philip Berg.

5 Aforementioned declaration by Orly Taitz and attached exhibits show flagrant  
6 evidence of fraud .

7 Further Berg and Liberi engage in vicious harassment and abuse of  
8 defendants, file over 20, 000 pages of defamatory and fraudulent pleadings. Under  
9 the pressure of their fraudulent and egregious accusations TX defendant Hale  
10 suffered a heart attack, TX Defendant Belcher suffered a heart attack and a stroke,  
11 Taitz suffered health problems. Liberi and Berg showed no health problems and  
12 incredible stamina to harass parties, now suddenly they are sick and they do not  
13 have any notification of any doctor to confirm their sickness.

14 As the court can rule on jurisdiction at any stage of the proceedings, this court  
15 has to dismiss the case at hand for lack of jurisdiction. This case was filed based on  
16 diversity of citizenship, Plaintiffs never provided proof citizenship of the plaintiffs,  
17 particularly Lisa Liberi, who was convicted in the state of California in 2008 and  
18 was under the jurisdiction of California Superior court and probations department  
19 when the case at hand was filed. Plaintiffs claimed that they showed prior judge on  
20 the case, Eduardo Robreno, Liberi's drivers license. The court record shows that  
21 this is simply a lie, there is no notation anywhere in the record of them providing  
22 identification papers of Liberi or any other plaintiff for that matter. During  
23 08.07.20109 hearing Judge Robreno ordered Berg and Liberi to FILE with the  
24 court the identifications of the Plaintiffs. They promised to file with the court such  
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1 identification. This was never done. Plaintiffs were in contempt of court. Recent  
2 decision by the Supreme Court of Pennsylvania to suspend Berg's license for two  
3 years shows the same modus operandi, fraud by Berg and Liberi, fraud perpetrated  
4 upon the client and the court. 12.23.2013 order by Judge Robreno found Berg,  
5 Liberi and Ostella not believable as witnesses. It stated:

6 "Liberi also testified that Taitz tried to hire a "hit-man" to harm her and her  
7 family and that Taitz has encouraged others to harm her son. On cross-  
8 examination, Liberi conceded that she was a convicted felon and  
9 that she had no direct evidence linking website to Defendants Belcher or  
10 Taitz. Liberi also did not present any credible evidence to support her claims of  
11 murder solicitation and kidnapping attempts. During her testimony, Liberi was  
12 often combative and evasive, and much of her testimony was argument without  
13 factual basis. For these reasons, the Court finds that Liberi's testimony was not  
14 credible... Like Liberi, Ostella was often combative and evasive during her  
15 testimony, and much of her testimony was argument without factual basis.  
16 Therefore the Court also finds that Ostella's testimony was not credible... Berg's  
17 testimony was also combative, evasive, and argumentative and the court did not  
18 find his testimony to be helpful for establishing a factual record." 12.23.2010  
19 Memorandum order by Judge Robreno in Liberi v Taitz.

20 So the Supreme Court of Pennsylvania found that Berg lied, actually Berg  
21 admitted to lying. Judge Robreno found Liberi, Ostella and Berg not to be credible  
22 and their allegations to be without factual merit. Additionally Liberi has very little  
23 credibility based on her 2008 conviction of forgery and grand theft. Based on all of  
24 the above there is sufficient basis to conclude that Plaintiffs are indeed lying when  
25

1 they are claiming that they provided Judge Robreno with Liberi's drivers license,  
2 there is no evidence of that anywhere in the record of the case and they do not have  
3 credibility. As such this court should dismiss this whole case based on lack of  
4 jurisdiction. Jurisdiction was never established in four years. Additionally, this  
5 court can sua sponte reconsider its ruling on antiALAPP. Recent opinion of the  
6 Supreme court of PA shows that Berg and Liberi do not have credibility. Recent  
7 decision on antiSLAPP was denied in one word "denied". If this court actually  
8 considers all the law and fact provided in the AntiSLAPP motion and reviews the  
9 current opinion of the Supreme Court of PA, showing a modus operandi of fraud  
10 by Berg and Liberi, it is abundantly clear that the case at hand is indeed a SLAPP  
11 case brought by an attorney, whose license was already on probation and who was  
12 facing disbarment and his paralegal who was on probation for forgery and theft  
13 convictions. Both wanted to silence Taitz, the president of DOFF, who was a  
14 whistle-blower, as such plaintiffs filed a bogus complaint based on fraudulent  
15 allegations without any likelihood to prevail.

18 CONCLUSION

19 1. Any and all pleadings and documents filed with this court from 06.19.2013  
20 by Philip Berg as an attorney for Plaintiffs, have to be stricken from the record.  
21 This includes 06.19.2013, 06.20.2013 backdated 05.31.2013 appearance  
22 supposedly signed by an attorney Stephen Marcus, which was filed by Philip Berg  
23 after his license was suspended, as well as opposition/request for sanctions filed  
24 on 06.24.2013

26 2. This court has to make change to the docket reflecting the fact that now all  
27 of the Plaintiffs are appearing pro se and all of them have to personally sign  
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1 pleadings filed by them, appear in court and provide their address where they can  
2 be served.

3 3. Berg has to be sanctioned for flagrant violation of California Business and  
4 Professional code 6125 et seq., Practice of law without license, specifically for his  
5 pleadings on 06.24.2013, where he admitted that he was already suspended, yet he  
6 filed his pleadings as an attorney for Plaintiffs .  
7

8 4. This court has to correct its minute order issued on 06.20.2013 to reflect  
9 that Taitz indeed did not engage in any misrepresentation and that notation made  
10 by her on her blog was taken out of context by Philip Berg in his request for  
11 sanctions, which were ultimately denied.  
12

13 5. As the court can rule on jurisdiction at any stage of the proceedings, this  
14 court has to dismiss the case at hand for lack of jurisdiction.  
15

16 6. Additionally, this court can sua sponte reconsider its ruling on antiALAPP.  
17 Recent opinion of the Supreme court of PA shows that Berg and Liberi do not have  
18 credibility. Recent decision on antiSLAPP was denied in one word "denied". If this  
19 court actually considers all the law and fact provided in the AntiSLAPP motion  
20 and reviews the current opinion of the Supreme Court of PA, showing a modus  
21 operandi of fraud by Berg and Liberi, it is abundantly clear that the case at hand is  
22 indeed a SLAPP case brought by an attorney, whose license was already on  
23 probation and who was facing disbarment and his paralegal who was on probation  
24 for forgery and theft convictions. Both wanted to silence Taitz, the president of  
25 DOFF, who was a whistle-blower, as such plaintiffs filed a bogus complaint based  
26 on fraudulent allegations without any likelihood to prevail.  
27

28 If this court is not be willing to address this new evidence of a pattern of fraud

1 committed by Berg and Liberi working together, the defendants will be opting to  
2 seek an appeal of the AntiSLAPP ruling in the Ninth Circuit Court of Appeals to  
3 be filed within 30 days from the date of the ruling on CA CCP 425.16 antiSLAPP.

4 /s/ Orly Taitz  
5  
6 Counsel for DOFF.

7  
8 **CERTIFICATE OF SERVICE**

9 The parties in this case are served through the ECF

10 /s/ Orly Taitz

11 Counsel for DOFF

12 cc Disciplinary Board Supreme Court of PA

13 cc CA Bar

14 cc San Bernardino District Attorney's office

15 cc San Bernardino probation department

16 cc Judiciary Committee